

1 Ford Greene  
California State Bar No. 107601  
2 HUB LAW OFFICES  
711 Sir Francis Drake Boulevard  
3 San Anselmo, California 94960-1949  
4 Attorney for Defendant  
GERALD ARMSTRONG  
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**FILED**

**AUG - 3 1994**

HOWARD HANSON  
MARIN COUNTY CLERK  
by P. Fan, Deputy  
**RECEIVED**

**AUG 03 1994**

SUPERIOR COURT OF THE STATE OF CALIFORNIA **HUB LAW OFFICES**

FOR THE COUNTY OF MARIN

10 CHURCH OF SCIENTOLOGY INTERNATIONAL,) No. 157 680  
a California not-for-profit )  
11 religious corporation, )  
12 Plaintiff, )  
13 vs. )  
14 GERALD ARMSTRONG; MICHAEL WALTON; )  
THE GERALD ARMSTRONG CORPORATION, )  
15 a California for-profit )  
corporation; DOES 1 through 100, )  
16 inclusive, )  
17 Defendants. )  
18 )

ARMSTRONG'S EX PARTE  
APPLICATION FOR ORDER  
SHORTENING TIME TO SERVE  
SPECIALLY PREPARED  
INTERROGATORIES;  
DECLARATION OF FORD  
GREENE; [Proposed] ORDER

Date: August 3, 1994  
Time: 9:30 a.m.  
Dept: One  
Trial Date: 9/29/94

19 TO: CHURCH OF SCIENTOLOGY INTENTIONAL AND ITS ATTORNEYS OF  
20 RECORD:

21 PLEASE TAKE NOTICE that on August 3, 1994, at 9:30 a.m., in  
22 Department 1 of the above-entitled Court, located at the Hall of  
23 Justice, Marin County Civic Center, San Rafael, California,  
24 defendant Gerald Armstrong, by and through his attorney of record,  
25 Ford Greene, will seek an ex parte order shortening time to serve  
26 his first set of specially prepared interrogatories to plaintiff  
27 CSI.

28 This ex parte application is based upon the ground that

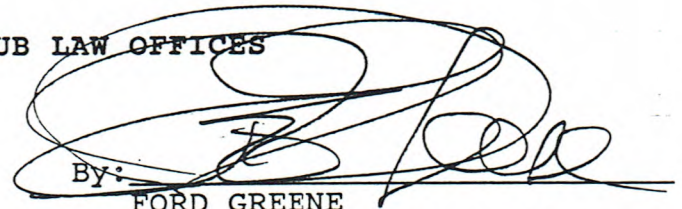
COPY

1 discovery is necessary for the proper preparation of Armstrong's  
2 defense on the complaint and prosecution of the cross-complaint  
3 and, but for a computer malfunction would have been timely served  
4 on Church of Scientology International. The legal basis for the  
5 instant application includes, but is not limited to California  
6 Rule of Court 379, Local Rule 2.10, and C.C.P. section 2030 (h).

7 This ex parte application is based upon this notice, the  
8 attached declaration of Ford Greene, the court's files and records  
9 in this case and such other material as is presented in support of  
10 the application.

11 DATED: August 2, 1994

HUB LAW OFFICES



By:

FORD GREENE  
Attorney for Defendant  
GERALD ARMSTRONG

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1 DECLARATION OF FORD GREENE

2 FORD GREENE declares:

3 1. I am an attorney licensed to practice law in the Courts  
4 of the State of California and am the attorney of record for  
5 GERALD ARMSTRONG, defendant herein.

6 2. Trial in this case is set for September 29, 1994.  
7 Discovery closes on August 30, 1994. Therefore, the last date  
8 when interrogatories could be served was Monday, August 1, 1994  
9 because 30 days before August 30 fell on Sunday, July 31, 1994.

10 3. In the course of discovery herein certain documents have  
11 been produced which include so-called "Dead Agent Packs"  
12 concerning Gerald Armstrong and me. Said documents include  
13 multiple references that are false. On July 11, 12, 26 and 27,  
14 1994, defendants Walton and Armstrong took the deposition of Lynn  
15 Farny whom CSI has designated as the most knowledgeable person  
16 concerning the matters at issue in the instant lawsuit. When  
17 questioned regarding the Dead Agent Packs, CSI representative  
18 Farny authenticated the Dead Agent Packs and admitted writing a  
19 few sentences in them, and believed that they were disseminated to  
20 the media, he professed to have no knowledge of whom ordered their  
21 preparation, where they were prepared, who in fact prepared them,  
22 where the originals or copies were maintained, to whom they were  
23 disseminated, who disseminated them, who ordered or authorized  
24 their dissemination, or the location of any files containing any  
25 of the factual materials to which they refer.

26 4. Said information is relevant to this lawsuit because  
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1 certain of Scientology's claims <sup>1/</sup> regarding Armstrong have been  
2 proffered as the basis for the action to enforce the agreement.

3 5. At the conclusion of Farny's deposition, defendants  
4 propounded multiple specially prepared interrogatories that were  
5 and are intended to obtain from CSI the information that its  
6 designated representative, Lynn Farny, was unable or unwilling to  
7 provide. They were intended to be personally served on Andrew  
8 Wilson's office by the close of business on August 1, 1994.

9 6. At 5:35 p.m. on Sunday, my father died of AIDS. With my  
10 mother and brother and sisters, I had spent all weekend with my  
11 father at the hospice in San Francisco where he spent his last  
12 hours. After he died on Sunday, I found myself unable to focus on  
13 anything for any extended period of time. I sought and obtained  
14 from Scientology a continuance of a summary judgement hearing in  
15 Los Angeles set for August 2, 1994, at 8:30 a.m., and tried to  
16 complete the production of the specially prepared interrogatories.  
17 Something happened on my computer and I could not access the file  
18 and was unable to print out the interrogatories so that they could  
19 be served in time on Mr. Wilson's office.

20 7. Therefore, my request is either to obtain an order  
21 shortening time whereby the responses to these interrogatories  
22

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23 <sup>1</sup> Scientology claims that Armstrong is a "liar" and a  
24 "criminal" who sought to "take over" the Scientology Organization  
25 and whom has engaged in a strategy of "Black Propaganda" against  
26 Scientology. Thus, it reasons, the settlement contract was  
27 required to stop the false information about it that its claims  
28 Armstrong spread. Scientology's action in this court for  
fraudulent conveyance is based upon its claim that it will prevail  
in its litigation seeking to enforce the provisions of settlement  
contract that would silence Armstrong on all Scientology matters.  
Therefore, Armstrong has asserted affirmative defenses to said  
contract in the action before this court.

1 will be served on or before August 30, 1994 or that said responses  
2 can go beyond the discovery cut-off and served on or before  
3 September 2, 1994.

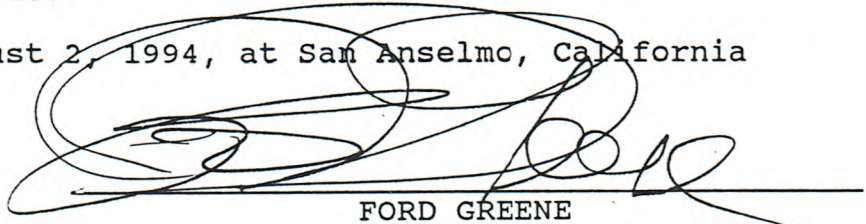
4 8. I have given notice of the present application for ex  
5 parte orders to counsel for plaintiff in the following manner:

6 a. By telecopying these papers to defense counsel  
7 Andrew Wilson on August 2, 1994 at 12:10 p.m.

8 9. I received the following response to said notice: None.

9 Under penalty of perjury pursuant to the laws of the State of  
10 California I hereby declare that the foregoing is true and correct  
11 according to my first-hand knowledge, except those matters stated  
12 to be on information and belief, and as to those matters, I  
13 believe them to be true.

14 Executed on August 2, 1994, at San Anselmo, California

A handwritten signature in black ink, appearing to read 'Ford Greene', is written over a horizontal line. The signature is somewhat stylized and scribbled.

FORD GREENE

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ORDER

GOOD CAUSE appearing therefor, it is hereby ORDERED that Defendant Gerald Armstrong shall serve his specially prepared interrogatories forthwith and Church of Scientology International shall respond to the same on or before [ ~~] August 30, 1994, or [GWT] September 2, 1994.~~

DATED: August 2, 1994

GARY W. THOMAS  
Judge of the Superior Court